

UNITED STATES BANKRUPTCY COURT
EASTERN DIVISION, DISTRICT OF MASSACHUSETTS

In re:

New El Caney, Inc.

Debtor

Chapter 11

Case No. 07-13297

MOTION FOR APPROVAL OF
EMPLOYMENT OF ATTORNEY FOR DEBTOR

NOW COMES New El Caney, Inc., debtor in the above captioned matter, by its attorney, and respectfully moves the Court pursuant to 11 USC § 327 for approval of employment of said attorney, David G. Baker, Esq., as his attorney in this matter, and for reasons states as follows:

1. The debtor filed a petition under Chapter 11 of the Bankruptcy Code on May 25, 2007.
2. The debtor's principal has met with attorney Baker, discussed this case with him, and believes him to be qualified to represent her in this matter. Attorney Baker previously was counsel to Richard Askenase, Standing Chapter 13 Trustee in the Eastern Division of this Court, and has several years of experience representing debtors in bankruptcy cases.
3. Representation is required because the debtor is a corporation.
4. The debtor will pay attorney Baker an hourly fee of \$250.00, subject to approval of the court, which will be paid when billed or otherwise ordered by the Court.
5. To the best of the debtor's knowledge, attorney Baker has no connection with any creditors, any other party in interest or their respective attorneys and accountants, the United States Trustee or any person employed by the United States Trustee, except that he previously was counsel to Richard Askenase, former Standing Chapter 13 Trustee in the Eastern Division of this Court, and also was employed by the Interim and subsequent Standing Chapter 13 trustees.
6. Notwithstanding the foregoing, attorney Baker is also representing the debtor's principal, German Ramirez, in a chapter 13 case, docket number 07-11104. To the extent that Mr. Ramirez might be a creditor within the meaning of 11 USC §327(c), this other representation does not appear to disqualify attorney Baker.

WHEREFORE the debtor respectfully requests that the Court approve the employment of attorney David G. Baker as attorney of record for the debtor.

June 13, 2007

Respectfully submitted,
New El Caney, Inc.
By his attorney

/s/ David G. Baker

David G. Baker, Esq.
105 Union Wharf
Boston, MA 02109
(617) 367-4260
BBO# 634889

Certificate of Service

The undersigned hereby states upon information and belief that the within motion and related documents (including the Affirmation of Attorney) was served upon the parties named below by the Court's CM/ECF system.

/s/ David G. Baker

John Fitzgerald USTPRegion01.BO.ECF@USDOJ.GOV

UNITED STATES BANKRUPTCY COURT
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AFFIRMATION OF ATTORNEY

NOW COMES David G. Baker, Esq., and in support of the debtor's motion for approval of my employment, declares the following to be true to the best of my knowledge:

1. Neither I nor any member of my firm holds or represents any interest adverse to the estate of the above-named debtors.
2. Neither I nor my firm has any connection with the debtor other than this case, or with any creditor or other party in interest or their respective attorneys and accountants, except that I am also representing the debtor's principal in a Chapter 13 case, as disclosed in the motion for approval of my employment. I believe that I am, and each member of my firm is, a disinterested person as that term is defined in 11 USC §101(14).
3. I have not agreed to share with any person (except members of my firm) the compensation to be paid for services rendered in this case.
4. I have not received a retainer. The debtor's principal paid the filing fee.
5. I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or (B) there is any change of circumstance relating thereto.
6. I have reviewed the provisions of MLBR 2016-1.
7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

June 13, 2007

Respectfully submitted,

/s/ David G. Baker

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